

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Karina Herrera	Team: Squad #2	CCRB Case #: 201803070	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 04/12/2018 6:10 AM	Location of Incident: § 87(2)(b)	Precinct: 84	18 Mo. SOL 10/12/2019	EO SOL 10/12/2019	
Date/Time CV Reported Thu, 04/12/2018 12:55 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 04/20/2018 11:14 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. SDS David Cheesewright	01990	913752	INT CIS
3. DTS Patrick Barry	00249	917283	E S U

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT2 Lawrence Hotaling	02671	897695	084 PCT
2. POM Georin Duran	26108	950361	075 PCT
3. POM Leonard Clarke	27183	940013	084 PCT
4. POM Andrew Kamna	24865	943423	073 PCT
5. POM Christophe Griffith	00258	951791	077 PCT
6. POM Gerard Fenton	06680	951725	077 PCT
7. POM John Uske	02554	939622	084 PCT

Officer(s)	Allegation	Investigator Recommendation
A.DTS Patrick Barry	Force: Detective Patrick Barry struck § 87(2)(b) with a door.	§ 87(2)(b)
B.SDS David Cheesewright	Abuse: Sergeant David Cheesewright entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
C.SDS David Cheesewright	Abuse: Sergeant David Cheesewright searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)
D. An officer	Abuse: An officer threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
E. An officer	Force: An officer used a chokehold against § 87(2)(b)	§ 87(2)(b)

Case Summary

On April 12, 2018, a 911 Operator forwarded § 87(2)(b)'s call to the IAB Command Center and she filed the following complaint. The original log #2018-14050 was forwarded to the Office Chief of Department. The following was referred to the CCRB via log #2018-14723 and it was received on April 20, 2018.

At approximately 6:10 a.m. on April 12, 2018, § 87(2)(b)'s son, § 87(2)(b) and § 87(2)(b)'s girlfriend, § 87(2)(b) were at § 87(2)(b)'s apartment, which is located at § 87(2)(b) in Brooklyn § 87(2)(b) was not present at the time). While § 87(2)(b) was sleeping, § 87(2)(b) was getting ready to go to work and she heard what sounded to her to be people coming up the stairs outside of the apartment. § 87(2)(b) looked through the peephole on the front door and saw officers. While § 87(2)(b) was unlocking the front door, one of the officers, Detective Patrick Barry of the Emergency Services Unit, allegedly kicked the door open and it hit § 87(2)(b) in the face (**Allegation A: Force, Other - § 87(2)(g)**).

Approximately five officers entered the apartment, including Sergeant David Cheesewright of the Criminal Intelligence Section (**Allegation B: Abuse of Authority, Entry - § 87(2)(g)**). The officers pointed their firearms at § 87(2)(b) (**within Allegation B**) and placed handcuffs on her. The officers woke up § 87(2)(b) and placed handcuffs on him. The officers searched § 87(2)(b)'s apartment (**Allegation C: Abuse of Authority, Search - § 87(2)(g)**) and they searched § 87(2)(b) and § 87(2)(b) (**within Allegation C**). The officers escorted § 87(2)(b) to a bedroom and an officer allegedly told him, "If we find a gun here, we are going to beat you up and take her § 87(2)(b) (**Allegation D: Abuse of Authority, Threat of Force - § 87(2)(g)**). § 87(2)(b) tried to walk away from the officers, but an officer allegedly grabbed § 87(2)(b) by the neck and choked him (**Allegation E: Force, Chokehold - § 87(2)(g)**).

When the officers finished searching the apartment, they arrested § 87(2)(b) and charged him with § 87(2)(b) (Board Review 11). No video footage was found for this incident.

Findings and Recommendations

Allegation A: Force - Detective Patrick Barry struck § 87(2)(b) with a door.

§ 87(2)(b) and § 87(2)(b) provided telephone statements to the CCRB on April 25, 2018 (Board Review 01). Both § 87(2)(b) and § 87(2)(b) subsequently missed two interview appointments.

It is undisputed that on April 12, 2018, officers entered and searched § 87(2)(b) in Brooklyn pursuant to search warrant § 87(2)(b), which was issued to Detective Lawrence Hotaling of the 84th Precinct on § 87(2)(b) (Board Review 02).

During her telephone statement, § 87(2)(b) alleged that when officers entered the apartment, they kicked the front door, which then struck her in the face.

From April 27, 2018 to May 18, 2018, § 87(2)(b) failed to appear for two scheduled interview appointments at the CCRB. § 87(2)(b) did not call the CCRB beforehand to cancel or reschedule the interviews and she was unresponsive to the subsequent contact attempts made. A search of the New York City Department of Correction website on June 28, 2018, indicated that § 87(2)(b) was not incarcerated.

§ 87(2)(g)

Allegation B: Abuse of Authority - Sergeant David Cheesewright entered § 87(2)(b) in Brooklyn.

Allegation C: Abuse of Authority - Sergeant David Cheesewright searched § 87(2)(b) in Brooklyn.

As previously discussed, the officers entered and searched § 87(2)(b)'s apartment pursuant to search warrant § 87(2)(b) (Board Review 02). Although the search warrant was issued to Detective Hotaling, the Incident File Report showed that Sergeant Cheesewright requested the search warrant on § 87(2)(b) and was listed as the executing supervisor (Board Review 03).

§ 87(2)(g)

Allegation D: Abuse of Authority – An officer threatened § 87(2)(b) with the use of force.

Allegation E: Abuse of Authority – An officer used a chokehold against § 87(2)(b)

During her telephone statement, § 87(2)(b) alleged that an officer told § 87(2)(b) “If we find a gun here, we are going to beat you up and take her § 87(2)(b)].” § 87(2)(b) tried to walk away, but the officer allegedly grabbed § 87(2)(b)'s neck and choked him.

From April 27, 2018 to May 1, 2018, § 87(2)(b) failed to appear for two scheduled interview appointments at the CCRB. He did not call the CCRB beforehand to reschedule the interviews and he was unresponsive to the subsequent contact attempts made. A search of the New York City Department of Correction website on June 28, 2018, indicated that § 87(2)(b) was not incarcerated.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) or § 87(2)(b) has been a party (Board Review 04).
- Detective Barry has been a member of service for twenty-one years and has been a subject in eight CCRB complaints and sixteen allegations, none of which were substantiated. § 87(2)(g)

§ 87(2)(g)

- Sergeant Cheesewright has been a member of service for twenty-seven years and has been a subject in twenty-eight CCRB complaints and sixty-eight allegations, of which sixteen were substantiated within four cases:
 - Case #200202002 involved substantiated allegations of force, vehicle search, and threat of force. The Board recommended charges and Sergeant Cheesewright received a “not guilty” verdict.
 - Case #200202912 involved substantiated allegations of stop and/or question, frisk and/or search, vehicle stop, and refusal to provide name/shield. The Board recommended charges for all the allegations. He was found “not guilty” for the question and/or stop and the refusal to provide name/shield allegations. He was found “guilty” of the frisk and/or search and vehicle stop allegations and received instructions as a discipline.
 - Case #200205206 involved substantiated allegations of frisk and/or search, vehicle stop, vehicle search, and retaliatory summons. The Board recommended charges for all of the allegations and the charges were dismissed at trial.
 - Case #200600042 involved substantiated allegations for gun drawn, premises entered and/or searched, and property damage. The Board recommended charges and the NYPD declined to prosecute.
 - Sergeant Cheesewright has had eight allegations of premises entered and/or searched pleaded against him: one was substantiated, one was unsubstantiated, five were exonerated, and one was closed as complainant uncooperative.
 - Sergeant Cheesewright is involved in five other open CCRB cases (#201707808, #201709514, #201709690, and #201800979).

Mediation, Civil, and Criminal Histories

- This complaint was unsuitable for mediation because of § 87(2)(b) [§ 87(2)(b)] [§ 86(1)(2)&(4)] [§ 87(2)(c)] (Board Review 07).
- [§ 87(2)(b)] [§ 86(1)(3)&(4)] [§ 87(2)(c)]
- [§ 87(2)(b)] [§ 86(1)(3)&(4)] [§ 87(2)(c)]
- A Notice of Claim inquiry was sent to the New York City Comptroller’s Office on June 28, 2018, and the results will be added to the case file upon receipt.

Squad No.: _____2_____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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